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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

JUL 30, 2008

JUL 30 2008

MB

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT.

JERMAINE WALKER,
vs. Plaintiff,
ERIC MICHAELEK, et al,
Defendants.

Case No. 08 C 1542
JUDGE ELAINE BUCKLO

LOCAL RULE 56.1 FILING

NOW COMES the Plaintiff, Jermaine Walker, pursuant to Local Rule 56.1, file the attached genuine materials referred to Plaintiff's APPLICATION section of his Motion for Summary Judgment (Rule 56):

- | <u>EXHIBIT #</u> | <u>DESCRIPTION</u> |
|------------------|---|
| 1. (EX.A) | Affidavit of Jermaine Walker, filed March 14, 2008. |
| 2. (EX.B) | Complaint letter addressed to Director (WALKER) mailed out under Plaintiff's former cellmate (BRYON LASTER B-69174) stamped as received by Office of inmates' issues on May 11, 2007. |
| 3. (EX.C) | Affidavit of Sheerene Whitfield, and where she had to personally mail EXHIBIT D to Director (WALKER) on behalf of Plaintiff's malicious mail handlings. |
| 4. (EX.D) | "Cruel and Unusual Punishment" letter mailed to Director (WALKER) stamped as received on May 16, 2007. |

5. (EX.E) N.R.C.'s Legal mail Disciplinary Report (#200701139/1-STA) filed by Defendant (MICHAEL) on June 1st, 2007.
6. (EX.F) Plaintiff's Legal postage receipt (INVOICE #513781) substantiate below exhibits mailed to (A.R.B.) Administrative Review Board Chairperson on July 25, 2007.
7. (EX.G) A.R.B. Chairperson (MELODY FORD)'s response in regards to 6/1/07 Disciplinary Report (#200701139) received on July 27, 2007.
8. (EX.H) N.R.C.'s Grievance Officer (TAMMY GARCIA)'s response memo dated 7/5/07 regarding Plaintiff's Legal mail grievance filed on 6/6/07, stamped as received by (A.R.B.) Office of inmates' issues on July 27, 2007.
9. (EX.I) Plaintiff's Legal mail grievance filed 6/6/07, stamped as received by (A.R.B.) Office of inmates' issues on July 27, 2007.
10. (EX.J) A duplicate copy of the Adjustment Committee's innocent plea "Written Statement" from Plaintiff, stamped as received by (A.R.B.) Office of inmates' issues on July 27, 2007.
11. (EX.K) The "Original" innocent plea "Written Statement" from Plaintiff, entered @ N.R.C.'s Adjustment Committee Hearing on June 7, 2007
12. (EX.L) A duplicate copy of the Adjustment Committee's "Summary Report" (#200701139), stamped as received by (A.R.B.) Office of inmates' issues on July 27, 2007.

13. (EX.M) The "Original" copy of the Adjustment Committee's "Summary Report" regarding Legal mail disciplinary Report (#200701139).
14. (EX.N) Director (WALKER)'s approval revocation for Legal mail D.R. (#200701139) filed by Defendant (MICHAELEK) on June 1st, 2007.

**PLAINTIFF'S RESPONSE TO DEFENDANTS'
LOCAL RULE 56.1(a)(1) FILING**

RESPONSES:

1. Plaintiff agrees with Defendants' exhibit A attachments, for the grievances demonstrate Subjective evidence and Substantial burdens on his Civil rights, resulting in a campaign of harassment claims, Official misconduct, aid and abetting, and obstruction of Justice.

2. Plaintiff disagrees with Affidavit of (MELODY FORD), and requires court sanction for penalty of perjury, for is in absolute violation of the [Fourteenth Amendment], [720 ILCS 5/33-3 Official Misconduct], [20 ILL. ADM. CODE § 504.870(a)(3)]. (MELODY FORD) failed to review and process Plaintiff's legal mail disciplinary report grievance received by her on July 27, 2007. (See Plaintiff's Complaint sections (III), (V) @ paragraph 7, lines 7, 8, 9, and 10); (See Plaintiff's Exhibits E, F, G, H, I, J and L).

**PLAINTIFF'S RESPONSE TO DEFENDANTS'
LOCAL RULE 56.1(a)(3)(A) FILING**

RESPONSES:

1. Plaintiff disagrees, he's in custody of the I.D.O.C. and currently incarcerated at HILL Correctional Center. Plaintiff was held in 24 hours a day unlawful segregation for One Hundred Six Days at a temporary transition center (N.R.C.), Northern Reception and Classification Center from March 13, 2007 to June 26, 2007, plus segregated at PONTIAC C.C. for a total of Two Hundred Sixty-one Days from March 13, 2007 to February 8, 2008, all because the Plaintiff was exercising his protected United States Constitutional Rights. So, Plaintiff brings this action against the Defendants because they are absolutely liable and responsible for the Plaintiff's Civil Rights violations. (See Plaintiff's Complaint).

2. Defendant (LUCE) turned a blind eye, condoned, participated and caused the Plaintiff's constitutional deprivations. He deprived the Plaintiff's procedural due process by not responding or processing Plaintiff's grievances dated (5/16/07, 5/22/07 and 5/29/07) and more. He's responsible for depriving the Plaintiff a primary transfer at (N.R.C.) transition center. (See Exhibits A, B, C, D).

3. Defendant (MANSFIELD) participated and caused the Plaintiff's constitutional violations, for he was personally informed and written plenty complaints. Evidently, he suppressed any grievance dealing with unlawful behavior by (N.R.C.)'s Authorities. (See Exhibits A, B, C and D).

4. Defendant (MICHAELEK) is in absolute violation of the

[First, Fourth, Eighth and Fourteenth Amendments] of the United States Constitution. (See Plaintiff's Complaint section V, paragraphs 4, 5, 6 and 7); (See Exhibits E, I, K, M, N).

5. Defendant (GARCIA) is in absolute violation of the [First, Eighth and Fourteenth Amendments], [720 ILCS 5/33-3 Official Misconduct] and [20 ILL. ADM CODE § 504.800], for she didn't process or review Plaintiff's Legal mail disciplinary report (#200701139), and Legal mail grievance filed June 6, 2007. Defendant is absolutely at fault and prevented Plaintiff from exhausting P.L.R.A. remedies, for she was intending to shield or suppress any unlawful wrong doing committed by the Defendants in the above entitled-cause. (See Plaintiff's Complaint section (III) and section V, paragraph 5, 6, and 7); (See Exhibits E, H, I, K, and L).

PLAINTIFF'S RESPONSE TO DEFENDANTS' LOCAL RULE 56.1(a)(3)(b) FILING

RESPONSES:

1. Plaintiff agrees.
2. Plaintiff disagrees because the claims contained in Complaint all occurred outside Stateville C.C. at a temporary transition center (N.R.C.), Northern Reception and Classification Center in Joliet, Illinois.
3. Plaintiff agrees.
4. Plaintiff disagrees because he was unlawfully segregated

at Northern Reception and Classification Center (N.R.C.) for One Hundred and Five Days from March 13, 2007 to June 26, 2007.

5. Plaintiff disagrees, for he mailed his Complaint and Affidavit on March 5, 2007, and it was filed and docketed by Clerk of the U.S. District Court, Northern District of Illinois on March 14, 2007.

6. Plaintiff was deliberately deprived of his Civil Liberties by Defendants and (A.R.B.) Chairperson (MELODY FORD), for they failed to do their staff, titles and duties, so they are absolutely liable for depriving the Plaintiff of Procedural Due Process of exhaustion under the P.L.R.A.

7. Plaintiff requires this Honorable ELAINE BUCKLO to sanction penalty of perjury on behalf of (A.R.B.)'s Chairperson (MELODY FORD) for committing to perjury under sworn oath, and a failure to file, review and process Plaintiff's legal mail grievances and attachments, stamped as received by her on July 27, 2007. She failed to comply with [20 Illinois Administrative Code § 504.870(a)(3)]. (See Plaintiff's Complaint section V, paragraph 7, lines 7, 8, 9 and 10); (See Exhibits E, F, G, H, I, J and L).

8. Plaintiff disagrees because he's in receipt of documents regarding legal mail that was stamped as received by (A.R.B.)'s Chairperson (FORD) and Office of inmates issues of which he was deprived of Procedural Due Process, a violation

of the Fourteenth Amendment. (See Exhibits E, F, G, H, I, J and L).

9. Plaintiff agrees by demonstrating a campaign of harassment claims, aid and abetting, retaliations, and Defendants' liability from Officials of PONTIAC C.C. from June 26, 2007 to February 8, 2008.

10. Plaintiff forwarded grievance dated June 13, 2007 to Defendant (GARCIA), and transferred from (N.R.C.)'s segregation to PONTIAC's segregation on June 26, 2007, without any reply, reviews or process from Grievance Office (GARCIA).

11. Plaintiff forwarded grievance dated June 25, 2007 to Grievance Office and never received a response from (GARCIA) because Plaintiff was transferred to PONTIAC C.C. on June 26, 2007.

12. Defendants' numbers (12 to 28) shows substantial burdens on the Plaintiff's Eighth Amendment at PONTIAC C.C. of which Defendants caused Plaintiff's unlawful segregation from March 13, 2007 to February 8, 2008.¹

JULY 17, 2008

RESPECTFULLY SUBMITTED,

Jermaine Walker
Jermaine Walker B-52757
600 S. Linwood Road
Galesburg, IL. 61402
PRO SE

¹Plaintiff has filed genuine exhibits in conjunction with this legal mail interference suit, and pending before this Court, Walker v. McCann, et al. (07 CV 3083). Please refer to these exhibits found in documents [28], [29], [46] and [77].

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JERMAINE WALKER,
vs. Plaintiff,

Case No. 08 C 1542

ERIC MICHAELEK, et al,
Defendant.

AFFIDAVIT

(N.R.C.)'s Officials failed to comply with federal laws, State law, and Departmental Rules, for they fashioned their own set of laws by which to govern the Transition Center (N.R.C.). These Officials acted in conspiracy to deprive the plaintiff of his protected rights guaranteed by our UNITED STATES CONSTITUTION.

(N.R.C.)'s Authorities facilitated, participated, and caused deliberate mistreatments; They unconstitutionally kept me (105) One Hundred and five Days in 24 hours a day confinement by denying me a primary transfer, denied legal material access, delayed all incoming/outgoing mail, and interfered with legal mail.

On the first shift (7-3 p.m.), Correctional Counselors (DANIEL LUCE and DAVID MANSFIELD) are fully responsible for collecting all my in-house mail, counselor's request slips, and filed grievances from the Unit counselor's box.

On the second shift (3 P.M. - 11 P.M.), all my entire outgoing and incoming letters, requests, and grievances are only collected and circulated on the 2ND shift. During my illegal 24 hours a day confinement, these Counselors and Correctional Officers below were absolutely responsible for my malicious mail handlings:

- | | |
|----------------------------|---------------------|
| 1.) (C.C. DANIEL LUCE) | 6.) (C.O. DOUGLASS) |
| 2.) (C.C. DAVID MANSFIELD) | 7.) (C.O. EDWARDS) |
| 3.) (C.O. ERIC MICHAIELEK) | 8.) (C.O. READUS) |
| 4.) (C.O. JOHNSON) | 9.) (C.O. MCCOY) |
| 5.) (C.O. SZPICKI) | 10.) (C.O. BROOKS) |

I declare, under penalty of perjury, that everything contained herein is true and accurate to the best of my knowledge and belief.

FEBRUARY 27, 2008

RESPECTFULLY SUBMITTED,

Jermaine Walker
PLAINTIFF

Jermaine Walker

B-52757

HILL - HIL

P.O. BOX 1700

GALESBURG, IL. 61402

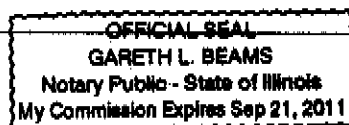
PRO SE

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 27 DAY OF MARCH

A.D., 2008

Gareth L. Beams
Notary Public



CERTIFICATE of SERVICE

The undersigned, being duly sworn under oath, states that three copies of Affidavit were served upon Prisoner Correspondence, Clerk's Office, U.S. District Court, 219 S. Dearborn St., Chicago, IL 60604 by placing it in the U.S. mail at the HILL Correctional Center on MARCH 5TH, 2008.

Jermaine Walker

EXHIBIT B

RECEIVED

MAY 11 2007

OFFICE OF
INMATE ISSUES

* May 7, 2007

* Dear Director Walker,

Legalistically, Stateville (N.R.C.) is committing federal offense against me, mishandling my mail, opening my legal mail, denying me legal assistance for material, and inflicting cruel and unusual punishment, for I continue to exercise my 1st amendment.

Nowadays, I've to mail my documents out under my cell mate name, for my mail isn't making it to its final destinations. So, please note this is from (Germaine Walker B52757), and forward all correspondence to me. Also, attached all letters, notes, and up coming

(over)

EXHIBIT C

STATE OF TENNESSEE }
COUNTY OF DAVIDSON } SS

NO. 08 C 1542

AFFIDAVIT

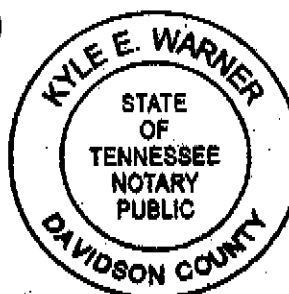
30 May 2007

I, Sheerene Whitfield, of 1266 Hillside Ave., Nashville, TN 37207, mailed a package to Jermaine Walker B52757, @ Rte. 53, P.O. Box 112, Joliet, IL 60434, on April 18, 2007. The package contained 3 letters that I typed for Mr. Walker regarding cruel & unusual punishment addressed to Director Roger Walker @ 1301 Concordia Ct. Fl 001, Springfield, IL 62794-9277; Governor Rod R. Blagojevich @ 207 State Capitol, Springfield, IL 62706; and to Attorney General Lisa Madigan @ 500 South Second Street, Springfield, IL 62706. The package was sent via Express Mail for which I paid \$14.40. The confirmation number on the receipt for this package is EB167724105 US. The package was to be delivered on the following day, April 19, 2007; however the recipient, Jermaine Walker did not receive the package until 24 days later, on May 12, 2007. I ended up having to personally mail another copy of the letter to Director Walker on May 14, 2007.

The above is true to the best of my knowledge.

Sheerene Whitfield
Signature of Person Making Affidavit

Sheerene Whitfield
Typed Name of Person Making Affidavit



Sworn and subscribed to before me 5-30-07
Date

Kyle E. Warner
Notary Public

MY COMMISSION EXPIRES SEPTEMBER 28, 2010

EXHIBIT D

EA. 11 011

Route 53, P.O. Box 112
Joliet, IL 60434

May 13, 2007

Mr. Roger E. Walker, Jr.
Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277

RECEIVED
MAY 16 2007
OFFICE OF
INMATE ISSUES

Dear Mr. Walker:

Subject: Cruel and Unusual Punishment

The purpose of this letter, first and foremost, is to bring the truth to light in regards to conditions here at N.R.C. Stateville C.C. From the outside looking in, you may inadvertently be under the impression that the facility is run in compliance with I.D.O.C. guidelines; sadly, however, that is not the case from an insider's perspective. The authorities here have clearly denounced the guidelines and fashioned their own set of policies by which to govern the facility.

Secondly, N.R.C. is essentially an orientation unit intended to provide temporary housing until inmates are transferred to primary institutions. According to the orientation handbook, an inmate is typically housed here for 7-10 days before being transferred. I, unfortunately, have been forced to remain here awaiting my transfer for 62 days now.

As stated above, this letter is in regards to cruel and unusual punishment. In addition to being held here an excessive amount of days, I am being punished without disciplinary actions or parole violations, and treated with far more cruelty than segregated inmates. At the present time, inmates here at N.R.C. are confined in cells 24 hour a day, 7 days a week without correspondence from counselors; allowed no visits, no law library access, one phone call every 60 days, and one shower per week; and given unhealthy and insufficient meals, (which, consequently, have caused me to lose a significant amount of weight.)

Furthermore, commissary is restricted to every 40 days with a \$15.00 limit on hygiene products; we are allowed a linen and clothing change only once per week; recreation once per week; and paper and pencil once per week. Upon arrival, you are given disposable hygiene products that only last for the first week; however, if you are held here beyond 7 days, like myself, you are literally left in a foul, dirty, unhealthy, and inhumane condition until after 40 days, when you are allowed commissary again. It is my opinion that animals are treated with more respect. I have filed several requests and grievances, but they have gone completely ignored by administration. I consider their negligence a violation of my human rights.

EX.#811

I understand that as prisoners our role here is to pay back our debts to society, but at the same time we are still human beings and we deserve to at least be treated humanely.

It is my hope and my prayer that this letter has been an eye-opener for you and will compel you to create a solution to this problem. Thank you for your time and efforts on my behalf and that of others.

Respectfully Submitted,

Jermaine Walker

Jermaine Walker B52757
Inmate

JW:sw

RECEIVED
MAY 16 2007
OFFICE OF
INMATE ISSUES

EXHIBIT E

STA-RA-01-05

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Disciplinary Report

Spartanburg C.C.

Facility

Date: 06-01-07

Type of Report:

☒ Disciplinary ☐ Investigative

Offender Name: Walker, Termaine

ID #: B52757

Observation Date: 06-01-07 Approximate Time: 4:30 p.m. Location: JRC Cell B2209

Offense(s): DR 504: 201. Concealment of Identity / 203. Giving false information to employees / 409. Violation of prison rules

Observation: (NOTE: Each offense identified above must be substantiated.) On the above date and approximate time, this A/C inspected two (2) envelopes of legal mail which were being returned to inmate Tolliver # 254589. The contents were from the above listed inmate who tried to send out his mail as being from inmate Tolliver. In one of the letters addressed to "U.S. District Court", inmate Walker writes "so I am using a third party, so my mail can make it safe out the institution" thus admitting to violating IDOC mail rules, concealing his identity on the outside of the envelope by giving false information and abusing the privilege of legal mail. EOP

Witness(es):

☐ Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

Reporting Employee (Print Name) No E. Michalek Badge # 5191 Signature [Signature] Date 06-01-07 Time 8:05 p.m.

Disciplinary Action:

Shift Review: ☐ Temporary Confinement ☐ Investigative Status Reason:

Printed Name and Badge # [Signature] # 2895

Shift Supervisor's Signature (For Transition Centers, Chief Administrative Officer)

Date

Reviewing Officer's Decision: ☐ Confinement reviewed by Reviewing Officer Comment:☒ Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee☐ Minor Infraction, submitted to Program Unit

Print Reviewing Officer's Name and Badge #

Reviewing Officer's Signature

Date

☒ Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only)

Print Hearing Investigator's Name and Badge #

Hearing Investigator's Signature

Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

☐ Check if offender refused to sign

Serving Employee (Print Name) [Signature]

Offender's Signature

2704

Badge #

1145

Time Served

6/5/07

Date Served

[Signature]

Signature

☐ I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature

ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report

Print offender's name

ID#

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness

Witness badge or ID#

Assigned Cell (if applicable)

Title (if applicable)

Witness can testify to:

Print Name of witness

Witness badge or ID#

Assigned Cell (if applicable)

Title (if applicable)

Witness can testify to:

EXHIBIT F

Pontiac's (P-96 form) mailing receipt

NOTE: (RECEIPT INVOICE # 513781) mailed to (A.R.B.) 7/25/07

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Authorization for Payment

Posting Document # _____ Date 7/24/07 620

Offender Name Jermaine Walker ID# B52757 Housing Unit E-101

Pay to (A.R.B.) Office of inmate clemency

Address 1301 Concordia Court

City, State, Zip Springfield, Ill. 62794-9277

The sum of _____ dollars and _____ cents charged to my trust fund account, for the purpose of Legal Postage

☐ I hereby authorize payment of postage for the attached mail. ☐ I hereby request information on electronic funds transfers to be placed in the attached mail.

Offender Signature Jermaine Walker ID# B52757

Witness Signature _____

☐ Approved ☐ Not Approved Chief Administrative Officer Signature _____

Postage applied in the amount of _____ dollars and 41 cents.

Distributor: Business Office, Offender

Printed on Recycled Paper

DOC 0296 (Eff. 1/2006)
(Replace DOC 628)

EXHIBIT G

ILLINOIS DEPARTMENT OF CORRECTIONS
 Administrative Review Board
 Return of Grievance or Correspondence

Offender: Waller Jermaine B52757
Last Name First Name MI ID#
 Facility: STA
☒ Grievance (Local Grievance # (if applicable): 7,2707 DR 6/1/07 ☐ Correspondence
 Received: 7,2707 Regarding: DR 6/1/07
Date

The attached grievance or correspondence is being returned for the following reasons:

Additional information required:

- ☒ Use the Committed Person's Grievance Report, DOC 0047 (formerly DC 5557), including the Grievance Officer's and Chief Administrative Officer's response, to appeal.
- ☐ Provide a copy of the Committed Person's Grievance, DOC 0046 (formerly DC 5557) including the counselor's response if applicable.
- ☐ Provide date(s) of disciplinary report(s) and facility where incident(s) occurred.
- ☐ Unable to determine nature of grievance or correspondence; submit additional specific information. Please return the attached grievance or correspondence with the additional information requested to: Administrative Review Board
 Office of Inmate Issues
 1301 Concordia Court
 Springfield, IL 62794-9277

Misdirected:

- ☐ Contact your correctional counselor regarding this issue.
- ☐ Request restoration of Good Conduct Credits (GCC) to Adjustment Committee. If request is denied, utilize the inmate grievance process outlined in Department Rule 504 for further consideration.
- ☐ Contact the Record Office with your request or to provide additional information.
- ☐ Personal property issues are to be reviewed at your current facility prior to review by the Administrative Review Board.
- ☐ Address concerns to: Illinois Prisoner Review Board
 319 E. Madison St., Suite A
 Springfield, IL 62706

No further redress:

- ☐ Award of Meritorious Good Time (MGT) and Statutory Meritorious Good Time (SMGT) are administrative decisions; therefore, this issue will not be addressed further.
- ☐ Not submitted in the timeframe outlined in Department Rule 504; therefore, this issue will not be addressed further.
- ☐ This office previously addressed this issue on 1 1 1
Date
- ☐ No justification provided for additional consideration.

Other (specify):

Completed by:

Melody J. Ford
Print Name

Melody J. Ford 8.3.07
Signature Date

EXHIBIT H

*NOTE: EX.# 5111 LEGAL MAIL GRIEVANCE INCOMPLETE EX.# 51

STATEVILLE CORRECTIONAL CENTER GRIEVANCE OFFICE

DATE: 7-5-07

OFFENDER NAME: Walker

REGISTER NO #: B52757

INSTITUTION: Pontiac

A response to your grievance regarding Legal mail was not completed prior to your transfer.

If this is an issue you still wish to pursue, please forward the grievance and this memo to the Administrative Review Board, Office of Inmate Issues, 1301 Concordia Court, Springfield, Illinois 62794-9277, within 30 days of the date of this memo.

T. Garcia
Grievance Officer
Stateville Correctional Center

I found NO TICKET in system pertaining to Legal mail.

*NOTE: EX.#5i) ORIGINAL TICKET on Legal Mail # (200701139/1-1)
EX.#5iii) DISCIPLINARY Statement
EX.#11ii) SUMMARY Report 6/1/07

RECEIVED

JUL 27 2007

OFFICE OF
INMATE ISSUES

EXHIBIT I

ILLINOIS DEPARTMENT OF CORRECTIONS
COMMITTED PERSON'S GRIEVANCE

EX-1011

Date: <u>JUNE 6, 2007</u>	Committed Person: <u>JERMAINE WALKER</u>	ID#: <u>B63757</u>
Present Facility: <u>Stateville (N.R.C.)</u>	Facility where grievance issue occurred: <u>Stateville (N.R.C.)</u>	
NATURE OF GRIEVANCE:		
<input type="checkbox"/> Personal Property	<input checked="" type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time
<input checked="" type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input type="checkbox"/> Medical Treatment
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator	
<input checked="" type="checkbox"/> Disciplinary Report: <u>6-11-07</u> <u>Stateville (N.R.C.)</u>		
Date of Report: _____ Facility where issued: _____		
Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.		
Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Brief Summary of Grievance: <u>First of All, on 6/1/07, C.O. Michael #591 committed a legal violation, for he oversteers his duties by tampering and reading legal mail before him. As members of a class attorneys lawsuit that pending in the U.S. District Court. Mr. and Mrs. Miller legal confidentiality was broken by the C.O. Michael, for instead of looking for physical contraband, he reads majority of our documents unlawful. For he had started something of a note toward the end of my letter. (CONT.)</u>		
Relief Requested: <u>FOR THIS C.O. MICHAEL #591 TO BE PENALIZED FOR READING LEGAL DOCUMENTS OF CONFIDENTIALITY, AND FOR WRITING A DISCIPLINARY FOR HIS MISCONDUCT. ALL CHARGES EXPUNDED, AND LEGAL MAIL OPEN IN THE PRESENCE OF AN INMATE FIRST AND FOREMOST.</u>		
<input type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.		
Committed Person's Signature _____		Date _____
(Continue on reverse side if necessary)		

Counselor's Response (if applicable)		
Date Received: _____	<input checked="" type="checkbox"/> Send directly to Grievance Officer	<input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: _____		

Print Counselor's Name _____	Counselor's Signature _____	Date of Response _____

EMERGENCY REVIEW		
Date Received: RECEIVED JUL 27 2007	Is this determined to be of an emergency nature?	
<input type="checkbox"/> Yes; expedite emergency grievance		<input type="checkbox"/> No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner.
Administrative Officer's Signature _____		Date _____

ILLINOIS DEPARTMENT OF CORRECTIONS
COMMITTED PERSON'S GRIEVANCE (Continued)

Previously, I honestly filed two grievances in regards to this same kind of misconduct, for my incoming legal mail be tampered with and read without my presence.

So this is clearly evidence that this C.O. Michalek #5191 is absolutely responsible for my posted mail misconducts. It's obvious to say, this C.O. failed to do his stuff, title, and duties, for he admitted reading something legal and going behind the call of duties to cover up his misconduct by writing a disciplinary.

EXHIBIT J

EX.#5111

RECEIVED

JUL 27 2007

OFFICE OF
INMATE ISSUES

June 7, 2007

To: Adjustment Committee

From: Germaine Walker B62757, RA105

Sub: "Written Statement" / Attach to Record

INNOCENT AS CHARGED:

First of all, C.O. Michael #5191 is in violation for reading our legal mail to start with. All he is entitled to do is open and check in front of an inmate's vision for falling contraband. Evidently he broke our legal mail confidentiality, for we are member of a class action lawsuit, "Bullock vs Sheahan". So I enclosed my letter with my cellmate Tolliver's (R54589) letter to the U.S. District Court because only one name is needed outside the legal mail envelope.

So this is evidence that C.O. Michael is before hand opening and reading legal mail without the presence of an inmate. He admitted in his disciplinary write-up that he violated my legal mail confidentiality, for he mentioned something stated in my letter. C.O. Michael #5191 failed to do his staff, titles, and duties. Sincerely,

Germaine Walker
B62757 - RA105

EXHIBIT K

June 7, 2007

To: Adjustment Committee
 From: Germaine Walker (BS2757), RA 105
 Sub: "Written Statement" Attach to Records

"INNOCENT AS CHARGED"

First of all, C.O. Michael[#](5191) is in violation for reading our legal mail to start with. All he is entitled to do is open and check in front of an inmate's vision for falling contraband. Evidently, he broke our legal mail confidentiality, for we are members of a class action lawsuit, "Bullock vs. Sheahan". So I enclosed my letter with my cellie Tolliver's letter to the U.S. District Court because only one name is needed outside the legal mail envelope.

So this evidences that C.O. Michael is before hand opening and reading legal mail without the presence of an inmate. He admitted in his disciplinary write up that he violated my legal mail confidentiality, for he mention something stated in my letter.

C.O. Michael[#](5191) failed to do his staff, title, and duties.

Sincerely,
 Germaine Walker
 BS2757 RA 105

(PLEASE ATTACH)

- U.S. DISTRICT COURT'S NOTICE
- PENDING CLASS ACTION LAWSUIT
- "BULLOCK VS. SHEAHAN"

EXHIBIT L

(WRONG DATE) 6/7/07 → right DATE

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

E.A. #111

ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORTName: WALKER, JERMAINE
Hearing Date/Time: 6/14/2007 09:48 AM
Incident Number: 200701139/1 - STAIDOC Number: B52757
Living Unit: PON-E-05-18
Status: FinalRace: BLK
Orientation Status: N/A

Date	Ticket #	Incident Officer	Location	Time
6/14/2007	200701139/1-STA	MICHALEK, ERIC J	NRC-NORTHERN REC. & CLASS.	09:30 PM

Offense	Violation	Final Result
201	Concealment of Identity	GUILTY
303	Giving False Information To An Employee	GUILTY
310	Abuse Of Privileges	GUILTY
404	Violation Of Rules	Not GUILTY

Comments: VOL. 310, 303, 201

Witness Type	Witness ID	Witness Name	Witness Status
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No Witness Requested

RECORD OF PROCEEDINGS

Inmate present, hearing conducted. Inmate Walker stated that he did mail out a class action lawsuit and letter in his cellie's envelope. Inmate Walker stated that they both sent out the same mail to the same place, and stated that our legal mail should not be read. Inmate Walker stated that they are both involved in the same case.

FALSE
SEE ATTACHED
STATEMENT
6/7/07

BASIS FOR DECISION

Inmate Walker admitted to mailing out mail in another inmate's name as stated in the report. The reporting officer indicated in the report that while inspecting two envelopes of legal mail which were being returned to inmate Tolliver R54589, the contents in the two envelopes were from inmate Walker, but he was trying to make it look like the mail was being sent from inmate Tolliver. As a result of inmate Walker's action he violated IDOC mail rules, and also concealed his identity on the outside of the envelopes by giving false information, and abusing the privilege of legal mail. This committee is satisfied with the report as being an accurate account of what occurred on the date and time of inspection of said mail.

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED

2 Months C Grade
2 Months Segregation
Revoke GCC or SGT 1 Months
2 Months Commissary Restriction

Basis for Discipline: nature of Incident.

FINAL

2 Months C Grade
2 Months Segregation
Revoke GCC or SGT 1 Months
2 Months Commissary Restriction

Signatures

Hearing Committee

JOHNSON, DARRYL L - Chair Person

06/14/07 BLK

THOMPSON, MARGARET M

06/14/07 WHI

Recommended Action Approved

Final Comments: N/A

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Print Date: 6/28/2007 15:11:10

Page 1 of 2

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS
ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

EX.#11

Name: WALKER, JERMAINE IDOC Number: B52757 Race: BLK
Hearing Date/Time: 6/14/2007 09:48 AM Living Unit: PON-E-05-18 Orientation Status: N/A
Incident Number: 200701138/1 - STA Status: Final

TERRY L MCCANN / JDD 6/26/2007

Chief Administrative Officer

Signature

06/26/07

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.

CRYSTAL LONGSTREET

Employee Serving Copy to Committed Person

6/26/2007

04:00 PM

When Served -- Date and Time

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INMATE ISSUES

EXHIBIT M

**STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS
ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT**

Name: WALKER, JERMAINE

IDOC Number: B52757

Hearing Date/Time: 6/14/2007 09:48 AM

Living Unit: NRC-RA-01-05

Incident Number: 200701139/1 - STA

Status: Final

2-18-17
P.O. # 5130107-3 no
5130107-3 P.O. # Race: BLK
Orientation Status: N/A

Date	Ticket #	Incident Officer	Location	Time
6/1/2007	200701139/1-STA	MICHALEK, ERIC J	NRC-NORTHERN REC. & CLASS.	09:30 PM

Offense	Violation	Final Result
201	Concealment of Identity	Guilty
303	Giving False Information To An Employee	Guilty
310	Abuse Of Privileges	Guilty
404	Violation Of Rules	Not Guilty
Comments: VOL 310, 303, 201		

Witness Type	Witness ID	Witness Name	Witness Status
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No Witness Requested

RECORD OF PROCEEDINGS

Inmate present, hearing conducted. Inmate Walker stated that he did mail out a class action lawsuit and letter in his cellie's envelope. Inmate Walker stated that they both sent out the same mail to the same place, and stated that our legal mail should not be read. Inmate Walker stated that they are both involved in the same case.

BASIS FOR DECISION

Inmate Walker admitted to mailing out mail in another inmate's name as stated in the report. The reporting officer indicated in the report that while inspecting two envelopes of legal mail which were being returned to inmate Tolliver R54589, the contents in the two envelopes were from inmate Walker, but he was trying to make it look like the mail was being sent from inmate Tolliver. As a result of inmate Walker's action he violated IDOC mail rules, and also concealed his identity on the outside of the envelope by giving false information, and abusing the privilege of legal mail. This committee is satisfied with the report as being an accurate account of what occurred on the date and time of inspection of said mail.

DISCIPLINARY ACTION (Consecutive to any priors)**RECOMMENDED**

2 Months C Grade
2 Months Segregation
Revoke GCC or SGT 1 Months
2 Months Commissary Restriction
Basis for Discipline: nature of incident.

FINAL

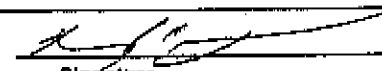

2 Months C Grade
2 Months Segregation
Revoke GCC or SGT 1 Months
2 Months Commissary Restriction

Signatures**Hearing Committee**

JOHNSON, DARRYL L - Chair Person

THOMPSON, MARGARET M

Recommended Action Approved

	06/14/07	BLK
Signature	Date	Race
	06/14/07	WHI
Signature	Date	Race

Final Comments: N/A

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS
ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

Name: WALKER, JERMAINE	IDOC Number: B52757	Race: BLK
Hearing Date/Time: 6/14/2007 09:48 AM	Living Unit: NRC-RA-01-05	Orientation Status: N/A
Incident Number: 200701139/1 - STA	Status: Final	

TERRY L MCCANN / JDD 6/26/2007

Chief Administrative Officer



Signature

06/26/07

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.



Employee Serving Copy to Committed Person



When Served -- Date and Time

EXHIBIT N

GOOD CONDUCT CREDITS/ST. JURY GOOD TIME RESTORATION/REVOC. ION RECOMMENDATION

Recommendation from: Stateville NRC CAO: McCann Deputy Dir.: Pierce ☐ Disapprove
 (Institution) (Juv./CSD Div.) ☐ Approve
☐ Reduced (Amount):
 Name: Walker, Jermaine Register No. B52757 Date Request Submitted: 7/11/07
 Present Location: Pontiac CC Committed Person's MSR: 2/18/17

Good Conduct Credits
☒ Revoke ☐ Restore

Statutory Good Time
☐ Revoke ☐ Restore

☐ Minimum Sentence
☐ Maximum Sentence

☒ Recommended Amount of Revocation
1 month

Report Date(s) Violation Numbers
 504A/504B/504C Violation:
 DR 6/01/07 (01139) NO. 201, 303, 310
 DR _____ NO. _____

☐ Recommended Amount of Restoration

Report Date(s) Violation Numbers
 504A/504B/504C Violation:
 DR _____ NO. _____
 DR _____ NO. _____

Description of Offense: Concealment of identity; giving false information to an employee;
abuse of privileges

Committed Person has had 0 of GCC/SGT revoked within last 12 months.
 Committed Person has had 0 of GCC/SGT restored within last 12 months.

Other Recommendations Pending: ☐ No ☒ Yes
 Dates of Revocation(s) Pending and Amounts: 5/30/07 - 3 months
5/30/07 - 3 months Dates of Restoration(s) Pending and Amounts: _____

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IDOC ACTION

☐ One (1) Month or Under ☒ Over One (1) Month

The following recommendation has been reviewed to determine compliance with Department of Corrections Rules.

☐ Remand _____ Resubmission: _____
 Date _____ Designee _____ Date _____

Recommendation for RESTORATION / REVOCATION of 1 mo
 of Good Conduct Credits/Statutory Good Time APPROVED / DISAPPROVED

ADDITIONAL COMMENTS OR INSTRUCTIONS

Reginald Walker Jr. 7/19/07
 Director Date

PRISONER REVIEW BOARD ACTION

Hearing/Review Date: _____ ☐ Continuance

Comments: _____

Board Action: REVOCATION / RESTORATION ☐ Approved ☐ Denied ☐ Reduced _____

Amount Approved _____ Date _____

Signature _____

Signature _____

Signature _____

Recommendation for RESTORATION / REVOCATION of 1 mo APPROVED / DISAPPROVED Please proceed accordingly
 with adjusting the incarceration person's record

Master Record File
 Director
 Prisoner Review Board (2)
 General Office File

Date 7/24/07

JUL 24 2007

DCA 5588 (3/98)
 IT 426-16509

CERTIFICATE of SERVICE

I, JERMAINE WALKER, swear under penalty of perjury that I served a copy of the attached LOCAL RULE 56.1 FILING and EXHIBITS (A→N) on LEA T. NACCA Asst. Attorney General, 100 W. Randolph St., (13th FL.), Chicago, Ill. 60601, by placing it in the mail at the HILL Correctional Center on JULY 23rd, 2008.

Jermaine Walker